

From: Mitchell Lazarus **DOCKET FILE COPY ORIGINAL**
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Kathleen Ham-O'Brien, Gerald Vaughan, jmuleta@fcc.gov, Michael Copps, Kevin Martin, Kathleen
Abernathy, Commissioner Adelstein, Mike Powell
Date: Fri, Apr 18, 2003 1:44 PM
Subject: Opposition in RM-10682

Attached is an Opposition to Petition for Rulemaking filed today by Hexagram, Inc. in RM-10682,
"Changes Requested in FRS, MURS, GMRS, Part 90 IB Business Radio Services."

Please do not hesitate to call with any questions.

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Before the
Federal Communications Commission
Washington DC 20554

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MAY 06 2003

In the Matter of

Federal Communications Commission
Office of Secretary

Changes Requested in FRS, MURS, GMRS,
Part 90 IB Business Radio Services

RM-10682

OPPOSITION TO PETITION FOR RULEMAKING

Hexagram, Inc. hereby opposes the above-captioned Petition for Rulemaking.

Hexagram is one of the oldest vendors of automatic meter reading systems in the country. Among over two million devices for collection and reporting of utility meters throughout the nation, in both residences and businesses, Hexagram has deployed nearly 500,000 devices employing fixed RF networks under more than 300 licenses issued to Hexagram and its customers. These are Part 90 transmitters currently operating under the low power rules in the UHF band.

The Petitioner seeks to share certain UHF frequencies with Family Radio Service (FRS) and Multi-Use Radio Service (MURS), which do not require individual licenses. We are unsure which frequencies the Petitioner wants, because numbers in his list are duplicated. But all of the frequencies that appear -- 464.5125, 464.5375, 469.5125, and 469.5375 MHz -- are among the very few remaining frequencies still available for true low-power use.

The Commission has severely cut back on low-power frequencies in recent years. Prior to the 1995 "refarming" of the UHF band, there were approximately 800 "offset" frequencies designated for low-power operations. The refarming proceeding converted most of those to full-power frequencies, but allowed coordinators to designate channels for continued low-power

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operation.¹ Only 104 pairs were so designated -- a precipitous drop from the previous number. Then, just last month, the Commission raised the power on many of these channels, and reserved still others for particular applications.² Now only a handful remain for true low-power applications. And these include all of the frequencies the Petitioner would open to the consumer public via FRS and MURS.

The Petitioner has not even attempted to show that current FRS and MURS frequencies are inadequate. Nor has he begun to evaluate the issue of how his proposal would impact existing UHF users, including low-power users such as Hexagram, or to balance any putative benefits of the proposal against the costs to other services.

Because the Petition has not stated grounds for the relief sought, the Commission should dismiss it as plainly not warranting consideration.³

Respectfully submitted,

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April 18, 2003

¹ *Replacement of Part 90 by Part 88*, 10 FCC Rcd 10076 (1995).

² *Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band*, WT Docket No. 01-146, Report and Order, FCC 03-35 (released March 11, 2003).

³ 47 C.F.R. Sec. 1.1401(e) ("Petitions which are moot, premature, repetitive, frivolous, or which plainly do not warrant consideration by the Commission may be denied or dismissed without prejudice to the petitioner.")

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary with the law firm of Fletcher, Heald & Hildreth, PLC, hereby certify that a true copy of the foregoing "Opposition to Petitions for Rule Making" was sent this 18th day of April, 2003, by U.S. mail, postage prepaid (except as noted) to:

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